

REMARKS

Applicants respectfully request reconsideration of the present application. Upon entry of the above amendment, claims 19-31 and 37-58 are pending in the application.

Rejection of Claims 19-31 and 37-58 Under 35 U.S.C. § 102(b)

Claims 19-31 and 37-58 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,962,081 to *Dobry et al.* Applicants respectfully traverse this basis of rejection as to claims 19-31 and urge that this basis of rejection is now moot in view of the amendment of claim 37 herein.

The office action states that:

Dobry et al. disclose plastic composition sheets that are adapted for use as floor coverings wherein the process of making such a plastic composition sheet entails depositing uniformly on a backing material a smooth layer of a mixture of fine particles and flat plastic chips (Column 1, lines 49-65). The plastic chips are about 0.18 to 1.0 inches in diameter (equivalent to 4.57 to 25.40 mm) and have a thickness of 0.01 to 0.025 inches (equivalent to 254-635 microns) (Column 2, lines 37-45). The process of the disclosed invention is applicable to various types of plastic compositions used in surface coverings including linoleum (Column 2, lines 71-72). If the plastic composition is linoleum then the linoleum is composed of drying oils, resin, fillers and pigments. The oil can be linseed oil. The resin can be rosin or ester gum. The thickness of the plastic layer can be varied and is typically 0.02 to 0.06 inches in thickness (Column 6, lines 11-31, 70-75). Typical of other suitable resins are polymethyl methacrylates (Column 5, lines 27-30). Claims 21 and 42 recite that the polymeric material may be selected from the recited Markush groups and Dobry et al. meet the limitation that the polymeric material may be a polymethyl methacrylate. Claims 22-27 and 43-53 are dependent on claims 21 and 42, respectively, and do not positively recite that the polymeric material is a reaction product of a carboxylic acid and an epoxidation product of a carboxylic acid ester and hence claims 22-27 and 43-53 are rejected under Dobry et al. All limitations of claims 19-31 and 37-58 are disclosed in the above-recited reference.

In regards to claims 19-31, Applicants submit that *Dobry et al.* does not teach or suggest all the limitations set forth in these claims as originally presented, because *Dobry*

et al fails to teach or suggest a planar structure comprising a linoleum sheet containing flakes over its whole cross-section. The product containing flakes disclosed in *Dobry et al* is formed by a stencil process in which the bulk flake material is spread through a stencil onto a carrier and then compressed by a static press. (Col. 1, lines 58-69; col. 4, lines 1-23). As a result, the distribution of the chips is only on the surface stratum of the resulting floor covering as shown in Fig. 2 of *Dobry et al*.

To the contrary, claims 19-31 claim flakes over the whole cross-section of the linoleum sheet. The product and process disclosed in *Dobry et al* cannot have such a distribution of flakes; therefore, *Dobry et al* fails to anticipate claims 19-31.

As to claims 37-58, as amended herein, these claims also set forth that flakes are distributed over the whole cross-section of the linoleum sheet. Consequently, *Dobry et al* does not anticipate the planar structure claimed in these amended claims.


For the foregoing reasons, claims 19-31 and 37-58 are not anticipated by *Dobry et al*. As a result, withdrawal of this basis of rejection is appropriate.

CONCLUSION

Applicants respectfully urge that the present application, with pending claims 19-31 and 37-58, is now in condition for allowance and request prompt notification to that effect. However, if Examiner believes any issues remain unresolved, Applicants respectfully request that Examiner contact the undersigned attorney.

Respectfully submitted,

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Date


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